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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,139	08/28/2001	Joel Kahn	1086	5902
156	7590	07/28/2004	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			KOYAMA, KUMIKO C	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/941,139	Applicant(s) KAHN ET AL.	
	Examiner Kumiko C. Koyama	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement is made of receipt of Amendment filed on May 03, 2004.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 43-45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (US 6,327,570) in view of Asai (JPO 6-52343).

Re claim 43, 45 and 47: Stevens teaches a personal agent device 11, which is a first portable reader, containing a wireless transceiver (col 17 line 52) for remote use and a barcode scanner (col 6 lines 17-20). The personal agent device 11 scans the barcode off a product that would yield a stock number, which is a first symbol data (col 6 lines 26-28). Stevens also teaches that the personal agent conveys the stock number to the professional unit over the in-store wireless system (col 10 lines 11-17). Stevens further teaches that the personal agent could interface directly with the point of sale terminal at checkout feeding in a complete list of purchased barcode stock numbers to the point of sale terminal avoiding the necessity for the store to rescan each item (col 10, lines 38-48). Such disclosure teaches that the point of sale terminal receives the first symbol data. The professional unit, which is a second reader, acts as a point of sale terminal and scans barcodes (col 18 lines 6-7). The professional unit either allows

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customer to scan bar coded items or reads out a prestored tally from the personal agent (col 17, lines 62-67). Such disclosure teaches that the professional unit, which is the second reader, reads out the first symbol data or scans data other than the first symbol data. Stevens teaches that the professional unit is connected to an in-store array of wireless transceivers to allow wireless communication within the store (col 17 lines 41-45). Stevens also teaches that the professional unit is coupled with an existing store processor or computer system 92 through a coaxial cable (col 17 lines 11-16).

Although Stevens teaches that the professional unit is connected to a store computer, Steven does not specifically teach transmission of the data from the second reader to the store computer. Stevens also does not specifically teach decoding the data prior to transmission to the host.

Asai teaches two barcode readers. The first bar code reader 1A reads a bar code and transmits the first barcode data to a second reader 1B (col 2, Paragraph [0001]). The second bar code reader 1B receives the first barcode data and stores it into RAM (col 3, Paragraphs [0013]). The second bar code reader 1B reads the same bar code and obtains a second bar code data (col 3, Paragraph [0014]). If the first bar code data and the second bar code data match, then the bar code data is transmitted to an outside device, such as computer (col 2, Paragraph [0011] and col 3, Paragraph [0014]). Such disclosure teaches that the first bar code data and the second bar code data are sent to the computer. Fig. 2 shows that the bar code data goes through the decode circuit of the first reader before transmitting it to the second reader. Fig. 3 shows that the bar code data goes through the decode circuit of the second reader before transmitting it to the external device.

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Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Asai to the teachings of Stevens because store/host computers have more capacity to store multiple data and faster speed to decode and analyze the symbol data. Such modification provides a more detailed analysis of the symbol data for accuracy and faster processing time.

Re claim 44 and 48: Stevens discloses that the wireless operation utilizes CDMA technology in the frequency band between 900MHz or 1200MHz (col 17, lines 45-50).

3. Claims 46 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Asai as applied to claim 43 above, and further in view of Goldmand (US 6,036,094). The teachings of Stevens as modified by Asai have been discussed above.

Stevens as modified by Asai fail to teach that the step of decoding the first and second symbol data in the host computer.

Goldman teaches that the two-dimensional bar code symbol for subsequent decoding in a host computer (col 2, lines 62+).

Therefore, it would have been obvious to an artisan ordinary skill in the art at the time the invention was made to integrate the teachings of Goldman to the teachings of Stevens as modified by Asai because the bar code may be encoded with data that may require large amount of resources, such as memory and processing speed, and also may require further processing the code of data obtained. Such modification provides these necessary resources for processing the symbol data in the host computer, and thus provide a faster service.

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Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The Applicant has cancelled claims 1-42 and new claims 40-49 were added. Such new claims required new search and consideration, and necessitated new grounds of rejection.

Subsequently, this action is made final.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394.

The examiner can normally be reached on Monday-Friday 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kumiko C. Koyama
July 22, 2004


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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